

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

CROSSBOW CEMENT SA

08 Civ. 5074 (HB)

Plaintiff,

**DECLARATION OF STEPHEN
JACOBSON IN SUPPORT OF
DEFENDANT'S MOTION TO
VACATE THE ATTACHMENT**

MOHAMED ALI SALEH AL-HASHEDI &
BROTHERS,

Defendant.

-----X

STEPHEN JACOBSON, pursuant to 28 U.S.C § 1746 hereby declares that the following is true and correct under penalty of perjury:

1. I am an associate of the firm of BERNSTEIN & BERNSTEIN, LLP, attorneys for the defendant herein, MOHAMED ALI SALEH AL-HASHEDI & BROTHERS (hereinafter Al-Hashedi" or "Defendant") and I am admitted to practice before this Court. I submit this declaration in support of Al-Hashedi's Motion to Vacate the Attachment on the grounds set forth in the accompanying memorandum of law and the facts set forth in the documents annexed to the defendant's motion papers.

2. The parties entered into a sale contract whereby Al-Hashedi purchased a quantity of Chinese bagged Portland cement from plaintiff Crossbow Cement. The contract provided for delivery in Aden. However, at the request of the defendant, the plaintiff agreed to discharge cargo at Berbera and Hodeidah, in exchange for which the sellers agreed to pay an additional lump sum.

3. Annexed hereto as Exhibit "1" is the sales contract as evidenced by pro-forma invoice number 07091/05, dated July 27, 2005.

4. Annexed hereto as Exhibit "2" is the sales contract as evidenced by pro-forma invoice number 09016/05, dated September 26, 2005, wherein the parties agreed to the cargo being discharged at Berbera and Hodeidah in exchange for a lump sum payment by the defendant.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July , 2008

STEPHEN JACOBSON (SJ-3615)